IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2785 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	Mr.M.M.Sathaye for the Petitioner. Mr.M.L.Patil for Respondent No.2. Mr.S.B.Shetye for Respondent No.4. Mr.S.K.Shinde for Respondent No.1. Mr.S.R.Nargolkar, AGP for State. **CORAM: D.K.DESHMUKH &** V.M.KANADE**, JJ.** **DATED:** 6TH DECEMBER, 2007

P.C.:

1. By this petition the Petitioner claims a writ of mandamus directing the Respondents Nos.2, 4 & 5 to declare that the Respondent No.1 is disqualified from being Municipal Councillor of Respondent No.2 or from contesting for the office of Municipal Councillor of Respondent No.2.

2. The learned Counsel is not able to point out to us any provision of law which confers powers on the Respondents to declare that the Respondent No.1 is disqualified under the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jamatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of Caste) Certificate Act, 2000.

3. The next prayer that is made is for writ of mandamus directing Respondents Nos.2, 4 & 5 to initiate and continue the criminal prosecution against the Respondent No.1.

4. The learned Counsel is not in a position to point out to us the provision of law which casts duty on the Respondents Nos. 2, 4 & 5 to lodge and continue criminal prosecution against the Respondent

No.1 under the aforesaid Act.

5. We find that the entire petition is totally misconceived and therefore, it is rejected.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)